

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DALE BRETCHES,

Plaintiff,

No. C 06-05277 JSW

v.

RICHARD KIRKLAND,

Defendant.

**ORDER GRANTING REQUESTS
TO SCREEN COMPLAINT AND
FOR STAY OF PROCEEDINGS**

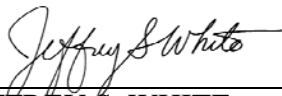
The Court received Defendant's requests to screen the First Amended Complaint under 28 U.S.C. § 1915A and to stay proceedings until such screening has been completed. Screening applies to any "complaint in a civil action in which a prisoner seeks redress from a governmental entity or employee of a governmental entity" and is not limited to prisoners' complaints filed *in forma pauperis*. See 28 U.S.C. § 1915A; *Rowe v. Shake*, 196 F.3d 778, 781 (7th Cir. 1999). In its review, the Court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2). Plaintiff does not oppose the request for a screening. Defendant's request for a screening is hereby GRANTED.

Due to the upcoming hearing set for December 1, 2006 and the associated filing deadlines, Defendant requests a stay of this matter pending completion of the Court's screening process. In order to give the Court ample time to conduct an appropriate screening under 28 U.S.C. § 1915A, the Court GRANTS Defendant's request for a temporary stay pending a Court order on the screening. The December 8, 2006 hearing on Plaintiff's motion is hereby

1 VACATED. The Court will reset the hearing and briefing schedule on Plaintiff's pending
2 motion for preliminary injunction, if necessary, in its screening order.

3
4 **IT IS SO ORDERED.**

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6 Dated: November 1, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE